

**REMARKS**

This application has been reviewed in light of the Office Action mailed on July 24, 2003. Claims 1-19 are pending in the application with Claims 1, 10 and 19 being in independent form. By the present amendment, Claims 1 and 10 have been amended. No new matter or issues are believed to be introduced by the amendments.

**I. Rejection of Claims 1-4, 10-13 and 19 Under 35 U.S.C. §102(b)**

Claims 1-4, 10-13 and 19 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,740,267 issued to Echerer et al.

Amended Claim 1 recites: "A method for providing and processing a cursored user interaction with a spatially displayed medical image and producing graphics related data on said medical image, wherein said method comprises the steps of: providing a menu-less graphical interface for displaying, essentially unobstructed, said medical image in a substantial portion of said menu-less graphical interface; controlling a mouse computer interface device, having at least one button; displaying a pointer symbol on said graphical interface, wherein said pointer symbol represents a current position of said mouse on said graphical interface; tracking a status of each of said at least one button; detecting a position for said mouse, wherein said position detection step is activated upon actuation of one of the at least one button; and generating a measurement graphic related to a predefined set of measurement operations on said medical image upon at least one actuation of the at least one button." (Emphasis added) Claims 10 and 19 recite similar language as Claim 1.

In contrast, Echerer et al. discloses an interface wherein a significant portion of the interface is comprised of patient information, menu boxes, and buttons, as shown in the preferred

embodiment illustrated in FIG. 1 and further disclosed in the specification, reciting: "in a preferred embodiment, a variety of controls (buttons, slides, and adjustment tools...) are displayed on one portion of the monitor." (column 10, lines 2-5), thus teaching away from Applicant's claimed invention of providing a menu-less graphical interface for displaying, essentially unobstructed, said medical image in a substantial portion of said menu-less graphical interface.

Additionally, Echerer et al. discloses selecting an action to be performed from menus, i.e., Analysis Menu (column 13, line 55), and System Setup Menu (column 15, Lines 9-10) as shown in the top portion of FIG. 1 and as illustrated in FIG. 6. Accordingly, Echerer et al. teaches away from Applicant's claimed invention of providing a menu-less graphical interface. Further, Echerer et al. does not disclose generating a measurement graphic in a menu-less graphical user interface as recited in Applicant's Claims 1, 10 and 19. Instead, Echerer et al. disclose pressing a button, corresponding to the desired measurement function, on the "Manual Analysis Menu" followed by the required number of mouse clicks – either to identify points of interest or component lines, depending on the requirements of the measurement function. ( See column 13, lines 28-34 and column 15, lines 16-19) Therefore, it is believed that Claims 1, 10 and 19 are patentably distinct over the prior art reference and accordingly, withdrawal of the rejection with respect to Claims 1, 10 and 19 under 35 U.S.C. §102(b) over Echerer et al. and allowance thereof are respectfully requested.

Claims 2-4 and 11-13 depend from independent Claims 1 and 10 and thus are limited by the language recited by these independent claims. Accordingly, for at least the reasons given

Appl. No. 09/864,107  
Amdt. Dated September 23, 2003  
Reply to Office Action of July 24, 2003

above for Claim 1 and 10, withdrawal of the rejection with respect to Claims 2-4 and 11-13 under 35 U.S.C. §102(b) over Echerer et al. and allowance thereof are respectfully requested.

## **II. Rejection of Claims 5-9 and 14-18 Under 35 U.S.C. §103(a)**

Claims 5-9 and 14-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Echerer et al. in view of U.S. Patent No. 5,454,371 issued to Fenster et al.

Claims 5-9 and 14-18 depend from independent Claims 1 and 10 and thus are limited by the language recited by these independent claims. As stated previously in support of Claim 1, Echerer et al. fails to disclose or suggest a menu-less graphical interface for displaying, essentially unobstructed, said medical image in a substantial portion of said menu-less graphical interface and additionally, fails to disclose or suggest providing cursor-driven user interactivity with the medical images. Fenster et al. fails to overcome this deficiency of Echerer et al. Fenster et al. discloses an option-icon driven graphical interface, such that when a user wishes to perform some action on the medical image, the user must first select – by clicking – the appropriate option icon located outside the image display region of the graphical interface. Further, the Fenster et al. disclosed graphical interface requires a significant portion of the interface be used for display of these option-icons. Therefore, the cited references taken alone or in any proper combination do not disclose or suggest, but rather, teach away from Applicant's claimed invention. Accordingly, for at least the reasons given above for Claims 1 and 10, withdrawal of the rejection with respect to Claims 5-9 and 14-18 under 35 U.S.C. §103(a) over Echerer et al. in view of Fenster et al. and allowance thereof are respectfully requested.

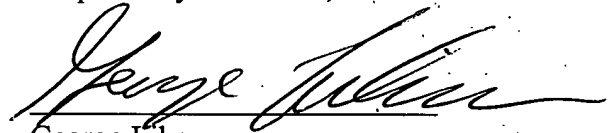
Appl. No. 09/864,107  
Amdt. Dated September 23, 2003  
Reply to Office Action of July 24, 2003

### III. Conclusions

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-19, are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call John Vodopia, Esq., Intellectual Property Counsel, at 914-333-9627.

Respectfully submitted,



George Likourezos

Reg. No. 40,067

Attorney for Applicants

**Mailing Address:**  
**Philips Intellectual Property & Standards**  
**345 Scarborough Road**  
**Briarcliff Manor, New York 10510**